

REMARKS

Claims

Claims 1–22 are under examination with claims 23 and 24 added by this paper.

Claim amendments

The claims have been amended as per the Examiner's suggestion(s) and in accordance with conventional US practice.

New claim 23 is supported by the disclosure contained in, for example, page 7, ¶2 to page 9, ¶2 of the originally-filed specification. See also, claim 1. New claim 24, which is dependent on claim 23 is supported by original claim 8.

It is respectfully submitted that the claim amendments do not raise new matter.

Oath/declaration

A supplemental declaration signed by Dr. Gerd Schubert is enclosed herewith.

The error in the declaration with respect to the priority claim is noted. However, insofar as the application data sheet (ADS) filed herewith displays the correct information regarding the corresponding US provisional application, the requirement for a new oath/declaration is misplaced. See, MPEP §601.05.

More specifically, 37 CFR §1.76(d) expressly outlines the provisions for correction of priority claim when there is an inconsistency between an application data sheet and other documents.

37 CFR §1.76(d): *Inconsistencies between application data sheet and other documents*

(1) The latest submitted information will govern notwithstanding whether supplied by an application data sheet, an amendment to the specification, a designation of a correspondence address, or by a §1.63 or §1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;

(2) The information in the application data sheet will govern when the inconsistent information is supplied at the same time by an amendment to the specification, a designation of correspondence address, or a §1.63 or §1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;

(3) The oath or declaration under §1.63 or §1.67 governs inconsistencies with the application data sheet in the naming of inventors (§ 1.41 (a)(1)) and setting forth their citizenship (35 U.S.C. 115);
(Emphasis added)

Withdrawal of the objection is respectfully requested.

The Examiner is cordially requested to note a change of address of Dr. Gerd Schubert. The correct address appears on the supplemental application data sheet, a copy of which is enclosed herewith.


Rejection under §112, ¶2

The Examiner is thanked for his suggestions. The rejection of claims 1-5 and 7-22 under this section is moot in view of the aforementioned amendments and remarks.

In view of the above remarks, favorable consideration is courteously requested. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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